Criminal Revision No. 257 of 2001
(Old No. 1738/1988)
Hon'ble Irshad Hussain, J.

None appear for the revisionist. Heard Sri G.S.Sandhu learned A.G.A. and perused the judgment of the learned S.D.M. dated 28-8-1987 as well as the judgment and Sessions Judge passed in revision on 10-10-1988.

Concurrent finding had been recorded in regard to the possession of the first party on the date of the preliminary order and two months next preceding the same and in view thereof the learned S.D.M. had released the attached property in favour of the said party. It is well settled that any finding or order under section 145 of the Code of Criminal Procedure is subject to a decision of a competent court of civil jurisdiction or revenue court and the effected party has had right to have his case decided on the basis of title from a competent court of civil jurisdiction or a revenue court.

There appear to be no impropriety in the order of the learned Magistrate as well as the revisional judgment and therefore the revision being devoid of merit is dismissed. The stay order dated 7-12-1988 is vacated.

(Irshad Hussain, J.)

Dt. 15-12-03
ISB